



U.S. Department of Justice
Civil Division

March 19, 2025

By ECF

Honorable Michael E. Farbiarz
United States District Judge
U.S. Post Office & Courthouse
Federal Square
Newark, New Jersey 07101

Re: ***Khalil v. Joyce, et al.***, Civ. Act. No. 25-1963 (MEF)

Joint Request to Vacate Current Briefing Schedule / Proposed Competing Schedules for Future Briefing

Dear Judge Farbiarz:

I represent the Respondents (“the Government”) in the above-referenced petition for writ of habeas corpus, which was transferred from the Southern District of New York. Having conferred with Petitioner’s counsel, the parties respectfully request that this Court vacate the briefing deadlines currently in effect. The parties however disagree on a proposed schedule moving forward and instead submit competing schedules for this Court to consider and enter.

Proposed Schedule

<u>Brief</u>	<u>Petitioner’s Proposed Deadline¹</u>	<u>The Government’s Proposed Deadline</u>
Government’s renewed motion to transfer venue	3/20/2025	3/20/2025
Petitioner’s supplement in further support of his motion seeking release (to include additional exhibits)	3/20/2025	3/20/2025
Supplement Briefs from each party related to the pending motion for a temporary restraining order	3/21/2025	3/21/2025
Government’s Opposition to Motion for Release	3/21/2025	3/24/2025
Petitioner’s opposition to Government’s venue motion	3/24/2025	3/24/2025

¹ Unless specified, the filing deadline will be 11:59pm by the listed date.

Petitioner's Reply in Further Support of his Release Motion	3/24/2025	3/26/2025
Petitioner's renewed motion for a preliminary injunction	3/25/2025 by 5:00 pm	3/25/2025 by 5:00pm
Government's Reply in further Support of its Motion to Transfer Venue	3/25/2025	3/26/2025
Government's Opposition to Motion for Preliminary Injunction	3/31/2025	3/31/2025
Petitioner's Reply in Further Support of his Motion for Preliminary Injunction	4/4/2025	4/4/2025

Petitioner's Justification for Proposed Schedule (submitted with permission from Petitioner's counsel)

First, Petitioner's schedule is suitable because, while recognizing the potential relevance of different authorities in a new venue, it largely maintains the schedule ordered by the transferor district court, and it ensures that transfer to this District does not delay Petitioner's various motions for urgent relief. And as Judge Furman's transfer order made clear, the government has already acknowledged that there is a need to "minimize any delay in having the case heard in a proper forum." Gov't Me. 9 n.3 (ECF 31); see Opinion & Order at 33 (ECF 78).

Second, the government's schedule delays Petitioner's motion for release by several days without justification, as its opposition was scheduled to be due at midnight tonight. Petitioner will quickly file a supplemental motion for release with new authorities relevant to the new venue, and the government will have ample time to reply. For the Court's awareness, Petitioner also plans to seek a hearing on his motion for release. (Should the Court wish, Petitioner would also welcome a hearing on his motion for transfer under the All Writs Act.)

Third, Judge Furman's transfer order explains at length why the government's second motion to transfer venue is futile, and the government's insistence in relitigating the venue issue should not further delay proceedings in this Court. Moreover, the government has already briefed the venue issue twice in this case. Petitioner's schedule on that motion makes sense.

The Government's Justification for Proposed Schedule

The Government's proposed schedule is staged to avoid either party having to file multiple briefs in one business day. Government counsel are short staffed and are assigned to many complicated and fast-paced cases. These cases require close coordination with several client agencies and many layers of internal review. Therefore, in order to accommodate this number of emergency motions in a short timeframe, the Government requests this small accommodation.

Any minor delay in the schedule is simply to allow the parties a short period of time to adjust their arguments to reflect the change in venue. The Government intends to renew its motion to transfer venue to Louisiana and is willing to do that expeditiously and while briefing other pending motions. Additionally, Petitioner intends to file a new motion for a preliminary injunction and a new

motion for release from custody. *See supra* “Petitioner’s supplemental in further support of his motion seeking release (to include additional exhibits)”. The Government does not oppose the new motions or exhibits but respectfully requests *one* additional business day to prepare and file its opposition on the release motion.

We thank the Court of its attention to this matter.

Respectfully submitted,

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